

ORDINANCE No. 120348

COUNCIL BILL No. 113630

An ORDINANCE relating to the Department of Parks and Recreation; finding the transfer of certain park property necessary and authorizing the exchange of certain City-owned property for equivalent other property to be improved as park land.

*Law Department*

## The City of Seattle--Legislation

### REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_  
report that we have considered the same and respectfully recommend that the

*pass 4-30-01 PS, HW, NG, TN volly yes*

*4-30-01*

*4-30-01 Passed 8-0*

*(Excused: Nicastro)*

*[Signature]*

Committee Chair

#### COMPTROLLER FILE No. \_\_\_\_\_

Introduced: APR 10 2001	By: LICATA
Referred: APR 10 2001	To: <i>OUTSTANDING &amp; PARKS</i>
Referred:	To:
Referred:	To:
Reported: 4-30-01	Second Reading:
Third Reading: 4-30-01	Signed: 4-30-01
Presented to Mayor: 4-30-01	Approved: 5/7/01
Returned to City Clerk: 5/8/01	Published: <i>Little app.</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

US5047

SMEAD 45 YSP 17705

*Law Department*

**The City of Seattle--Legislative Department**

**REPORT OF COMMITTEE**

Date Reported  
and Adopted

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_

report that we have considered the same and respectfully recommend that the same:

pass 4-0-1 PS, HW, NL, JN volky yes MP abstaining

4-25-01

4-30-01 Passed 8-0

(Excused: Nicastro)

*Michael L. ...* *Officially  
submitted  
bill text loaded*

Committee Chair

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IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE 120348

AN ORDINANCE relating to the Department of Parks and Recreation; finding the transfer of certain park property necessary and authorizing the exchange of certain City-owned property for equivalent other property to be improved as park land.

WHEREAS, certain land was identified in the 1891 Plat of Beacon Place as "Beacon Park;" and, in 1896, was deeded to the City of Seattle and accepted "for park purposes;" and, in 1922, such land was named Wittler Park, in honor of the dedicators of the plat;

WHEREAS, such land was never developed or improved as public park land; nor was adjacent public street right-of-way, now known as 11<sup>th</sup> Avenue South, ever improved for street purposes

WHEREAS, the existence of the unimproved street right-of-way and the undeveloped park land, together with other physical constraints of the land, has hindered the development, improvement, and use of the adjacent private property; and

WHEREAS, the Department of Parks and Recreation and the adjacent private property owners were co-petitioners to the City Council requesting the vacation of 11<sup>th</sup> Avenue South; and, on June 26, 2000, the City Council granted approval of the petition (Clerk File 303360), subject to certain conditions, including the development of a relocated park; and

WHEREAS, a land trade involving the park land and the portions of vacated street right-of-way attaching thereto will accommodate development, improvement, and use of the adjacent lands, both public and private; and

WHEREAS, in accordance with the requirements of Ordinance 118477 (a.k.a, Initiative 42), the City Council has held a public hearing regarding the necessity of this action; and the City has identified land to replace the park property, such land being equivalent or better in size, value, location and usefulness and in the same vicinity, serving the same community and the same park purpose as the park land to be transferred;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds that the transfer of certain park property in exchange for equivalent or better property is necessary because there is no reasonable and practical alternative.

Section 2 The Superintendent of Parks and Recreation is hereby authorized to execute such documents as may be necessary to convey the following described property to Koh Family LLC and/or ABCD Trust:



Parcel identified as "Beacon Park" in the Plat of Beacon Place Addition, as recorded in Volume 8 of Plats, Page 15, Records of King County, Washington; together with underlying interest in those portions of adjacent 11<sup>th</sup> Avenue South which would, through street vacation, attach thereto by operation of law.

And to accept, in return, for park, recreation, and open space purposes, the following described property from Koh Family LLC and/or ABCD Trust

The westerly 75 feet of Lots 26 - 30, inclusive, Beacon Place Addition, as recorded in Volume 8 of Plats, Page 15, Records of King County, Washington, less those portions condemned for street purposes.

Section 3. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 30<sup>th</sup> day of April, 2001, and signed by me in open session in authentication of its passage this 30<sup>th</sup> day of April, 2001.

*Margaret C. [Signature]*  
President ..... of the City Council

Approved by me this 1<sup>st</sup> day of May, 2001

*David S. [Signature]*  
Mayor

Filed by me this 8<sup>th</sup> day of May, 2001

*Jack [Signature]*  
City Clerk

(Seal)



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## City of Seattle

### Seattle Department of Parks and Recreation

Kenneth R. Bounds, Superintendent

March 26, 2001

The City Council  
City of Seattle  
600 Fourth Avenue  
Seattle, WA 98104

ATTENTION: The Honorable Margaret Pageler, President

VIA: Joan Walters, Budget Director

SUBJECT: An ORDINANCE relating to the Department of Parks and Recreation; finding the transfer of certain park property necessary and authorizing the exchange of certain City-owned property for equivalent other property to be improved as park land.

Dear Honorable Members:

We request your favorable consideration of the attached legislation authorizing an exchange of property which, together with a street vacation, will accommodate development of a blighted block in the International District of the city. The proposed development will benefit the public through both private and public improvements.

A small parcel of land, situated in the wishbone-shaped divide of unopened street right-of-way, has been held as park property for more than one hundred years, but has never been developed or improved as public park land. The fact that this property has not been utilized as park land may be due to a variety of factors:

- the location which limits access (between the Jose Rizal Bridge on 12<sup>th</sup> Avenue South and the I-5 freeway; bordered on the north, east and west by unopened 11<sup>th</sup> Avenue South and, beyond that, by unopened South Lane Street; and bordered on the south by busy South Dearborn Street);
- the sloping terrain (the site gains 80 feet in elevation in the one block from Dearborn to Lane);
- and the size (less than 11,000 square feet).

800 Maynard Avenue South, 3rd Floor, Seattle, WA 98134-1336

Tel: (206) 684-4075, TDD: (206) 233-7061

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The private property, located to both the east and west of unopened 11<sup>th</sup> Avenue South, suffers similar drawbacks which made its development unfeasible. The entire block, including the private property, the park land, and the unopened street rights-of-way, has been a littered eyesore, sometimes dotted by transient encampments and often the scene of illegal activity.

The approved street vacation, referenced in this legislation, and the exchange of land parcels authorized by this ordinance will allow consolidation of the separated private parcels, removing impediments to their development. (*A vacation sketch of site, including line marking approximate proposed new park boundary line, is attached.*) The land exchange will relinquish the City's interests in the existing park land in return for a larger parcel (approximately 17,000 square feet), immediately to the east and accessible from both South Lane and Dearborn Streets. The private developer, James C. Koh, acting through ABCD Trust, has already donated \$10,000 for initial planning work on the development of the proposed new park and has further pledged \$100,000 to assure improvement of the new park land. After decades of neglect, the blighted block will be eliminated, replaced by new private development, featuring commercial, office, and residential space, and a new public park.

The proposed land exchange meets the requirements of Ordinance 118477 (a.k.a., Initiative 42), which governs the transfer of property held for park purposes. The land to be deeded to the City exceeds the existing park land in size and value; it is equivalent or better in usefulness and its ability to serve the same park purpose; and it is in the same vicinity, serving the same community.

The proposed exchange was presented at a public meeting of the Board of Parks Commissioners in March 2000 and again in December 2000, when it was unanimously recommended for approval. Prior to the Board's recommendation, the proposal was presented to the community in a public meeting held in the International District on September 26, 2000.

The proposed legislation requires no capital expenditure of the City. We have determined that basic park improvements, meeting Department standards, can be accomplished for the \$100,000 pledged by the developer. Additional development and park improvements may occur through other funding or at a later time. The Department has committed to a thorough public involvement process for planning the proposed park.

Costs of the street vacation and the proposed land exchange will be borne by the developer. In the past, the undeveloped park land has required maintenance expenditure sporadically to stage major clean-ups of the area. The developed

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park will require the Department to commit regular operating funds; the amount will depend on the design of the park. With the cooperation of the adjacent private development, regular operating expenditure for the new park is expected to be minor. As a condition of the street vacation, the co-petitioners, Mr. Koh and the Department, are required to "establish a Memorandum of Agreement or other binding agreement that shall identify the obligations of the parties to the development and maintenance of the . . . park."

We request your action to approve this ordinance. If you have questions regarding the proposed legislation, please contact MaryLou Whiteford, Parks Sr. Real Property Agent, at 684-7388.

Sincerely,



Kenneth R. Bounds  
Superintendent

Attachments

CC: Helen Welborn, Budget Analyst  
Terrance Dunning, Parks Real Estate Manager



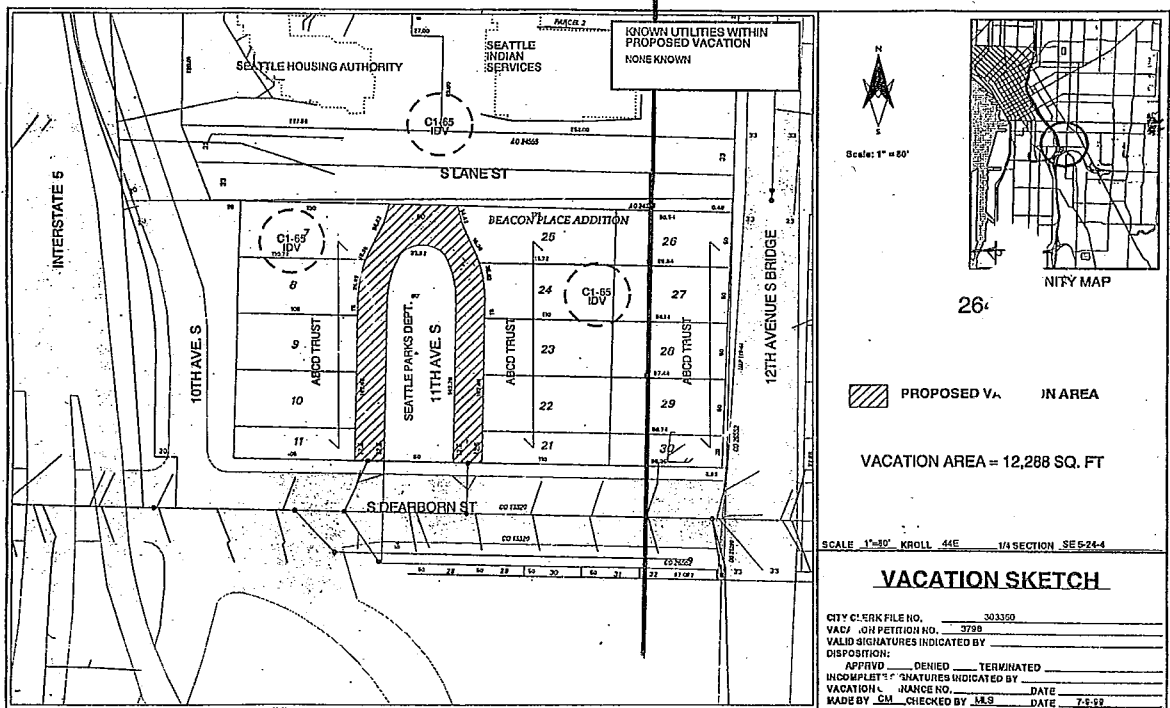
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**ATTACHMENT to COUNCIL LETTER concerning**

AN ORDINANCE relating to the Department of Parks and Recreation; finding the transfer of certain park property necessary and authorizing the exchange of certain City-owned property for equivalent other property to be improved as park land.



Line indicates approximate proposed new park's westerly boundary line.





## Attachment B: Park Property Exchange

<b>Department:</b> Parks and Recreation	<b>Contact Person/Phone:</b> MaryLou Whiteford 684-7388	<b>CBO Analyst/Phone:</b> Helen Welborn 233-7884
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**Legislation Title:** An ORDINANCE relating to the Department of Parks and Recreation; finding the transfer of certain park property necessary and authorizing the exchange of certain City-owned property for equivalent other property to be improved as park land.

**Summary of the Legislation:** The legislation establishes the Council's finding of necessity, in compliance with Ordinance 118477 (Initiative 42) and authorizes a property trade.

**Background (Include justification for the legislation and any funding history, if applicable):** A small parcel of park land and the abutting r-o-w's and adjacent privately-owned parcels have remained unimproved for more than 100 years. A street vacation has been approved that will enlarge both the park area and the private parcels. The land exchange, authorized by this legislation, will result in consolidation of now-separated private parceling, making development economically feasible. The developer has pledged funds to improve the newly-relocated (approximately 120 feet to the east) larger park space, thus giving the International District and Little Saigon neighborhoods a new passive-use park amenity.

**Sustainability Issues (related to grant awards):** not applicable

**Estimated Expenditure Impacts:**

FUND	2001	2002	2003
TOTAL			

One-time \$ -0-

On-going \$ (see FTE Impacts below)

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Estimated Revenue Impacts: none

	2001	2002	2003
TOTAL			

One-time \$ \_\_-0-\_\_

On-going \$ \_\_-0-\_\_

**Estimated FTE Impacts:**

FUND	2001	2002	2003
Regular Operating Funds	-0-	-0-	*** .25
TOTAL			

Year \_\_\_\_: # Full Time \_\_\_\_ # Part Time \_\_\_\_ # TES \_\_\_\_

\*\*\* Park improvements not expected to be completed until 2003. Maintenance and operating staff requirements are not anticipated to exceed one-quarter FTE position; however, volunteer (Adopt-a-Park Program) assistance from adjacent development is anticipated which may eliminate the need for even ¼ position support from Department sources.

Do positions sunset in the future? not applicable  
If so, when?

Other Issues (including long-term implications of the legislation): none

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STATE OF WASHINGTON - KING COUNTY

--SS.

131466

City of Seattle, Clerk's Office

No. ORDINANCE TITLES ONLY

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CTOT:120348-120350

was published on

05/21/01

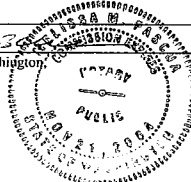
*G. Steadman*

Subscribed and sworn to before me on

05/21/01

*Melissa M. Pascoe*  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



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# State of Washington, King County

## City of Seattle

### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on April 30, 2001, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 694-5344.

#### ORDINANCE NO. 120348

AN ORDINANCE relating to the Department of Parks and Recreation; finding the transfer of certain park property necessary and authorizing the exchange of certain City-owned property for equivalent other property to be improved as park land.

#### ORDINANCE NO. 120349

AN ORDINANCE relating to the Colman School property, providing expenditure authority in the 2001 budget of Finance General for the Colman School redevelopment project and authorizing the Director of the Office of Housing, or other officer designated by the Mayor, to draw upon such funds and to enter into and administer related agreements; all by a three-fourth vote of the City Council.

#### ORDINANCE NO. 120350

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, May 21, 2001. 5/21(131494C1)